

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KELLY MARTIN ROODS,

Defendant.

No. 17-mj-02021-DPR

**UNITED STATES' MOTION FOR PRETRIAL DETENTION AND FOR
A HEARING PURSUANT TO 18 U.S.C. § 3142(e) and (f)**

The United States of America, through Thomas M. Larson, Acting United States Attorney for the Western District of Missouri, and by the undersigned Assistant United States Attorney requests pretrial detention and a detention hearing pursuant to 18 U.S.C. §§ 3142 (e)(3)(A), (e)(3)(B), (f)(1)(D), (f)(2)(A) and (f)(2)(B). At this hearing the evidence will demonstrate that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required by the Court and the safety of other persons and the community.

Supporting Suggestions

1. Title 18, United States Code, Section 3142(f)(1)(A) provides that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions will reasonably assure the defendant's appearance and the safety of any other person in the community if the attorney for the Government moves for such a hearing and if the case is one that involves a crime of violence as defined in Title 18, United States Code, Section 3156(a)(4)(C), which includes the offense of receipt and distribution of child pornography, in violation of Title 18, United States Code, Chapter 110, Section 2252(a)(2).
2. The statute recognizes two additional situations which allow for a detention hearing and

which can be raised either by the attorney for the Government or by a judicial officer.

These conditions are:

- a. When there is a serious risk that the defendant will flee; or,
 - b. When there is a serious risk that the person will "obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror." *See 18 U.S.C. § 3142(f)(2)(A) and (B).*
3. One or more grounds for pretrial detention and a pretrial detention hearing as set forth by the statute exists in the above cause, to wit: this matter involves the receipt and distribution of child pornography, in violation of Title 18, United States Code, Chapter 110, Section 2252(a)(2). *See 18 U.S.C. § 3142(f)(1)(A).* Further, there is a serious risk that the defendant's release will present a substantial risk to the community. *See 18 U.S.C. § 3142(f)(2)(A) and (B).*
4. The crime alleged in the Complaint requires the Court to consider a rebuttable presumption that no condition or combination of conditions set forth in 18 U.S.C. § 3142(c) will reasonably assure the appearance of the defendant as required and the safety of other persons and the community. *18 U.S.C. § 3142(e)(3)(A).*
5. Moreover, the nature and circumstances of the charged offense, the weight of the evidence, the defendant's history and characteristics, and the nature and seriousness of the danger to any person or the community that would be posed by the defendant's release, each demonstrate that there is no condition or combination of conditions set forth in 18 U.S.C. § 3142(c) that will reasonably assure the appearance of the defendant as required and the safety of other persons and the community.
6. The government is aware of the following evidence:
 - a. In relation to the nature and circumstances of the offenses charged, on March 30,

2017, a complaint was filed charging the defendant with receipt and distribution of child pornography in violation of Title 18, United States Code, Chapter 110, Sections 2252(a)(2) and (b)(1).

- b. In relation to the weight of the evidence supporting the charges in the Complaint, John Doe stated the defendant took a sexually explicit video of him and John Doe. The defendant admitted to taking this video to Greene County Sheriff's Office Detective J. Fletcher. A forensic exam of one of the defendant's cell phones revealed numerous images of child pornography.
- c. In relation to the history and characteristics of the defendant, the defendant was on felony probation for a drug offense, fraudulently attempting to obtain a controlled substance, while he committed this offense. While on probation the defendant performed abysmally. The defendant plead guilty on April 18, 2014, and incurred his first probation violation report in August 2014. Since that time, the defendant has violated his probation repeatedly and has failed to appear for court.

WHEREFORE, the United States requests a pretrial detention hearing and that Defendant be detained pending trial.

Respectfully submitted,

Thomas M. Larson
Acting United States Attorney

By /s/ Ami Harshad Miller
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on March 30, 2017, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Ami Harshad Miller

Ami Harshad Miller

Assistant United States Attorney